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**THE CIVIL WAR
PRISON SYSTEM**

BY

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Both sides of the conflict suspended the writ of habeas corpus early in the war and subsequently arrested their own citizens. In the North, the prison system developed more quickly because of the in-place government and the recognition of the need to centralize control of prisoners. In the South, the need to replicate the entire government infrastructure impeded the evolution of the prison system. The focus of this paper will be on the prison system, rather than on a detailed explanation of prison conditions and treatment of prisoners. However, some details of such conditions must be considered when explaining maladministrations of the prison system.

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THE CIVIL WAR PRISON SYSTEM

AN INDIVIDUAL STUDY PROJECT

by

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ABSTRACT

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The Civil War is a fruitful area for research of information on how the United States and the Confederate States identified, administered, incarcerated, adjudicated, governed, and supported the prisoners of that conflict. The administration of prisoners during the American Civil War was a complex evolutionary process. Its roots began before actual hostilities and continued evolving to the very end of the conflict. The execution of prison policies generated intense suffering and death. The resultant acrimony over the maladministration of the prison system lasted until well after the conflict had terminated. This paper deals specifically with the immensity of the problem, the evolution of the prison system to include a categorization of the types of prisons, and a short report on an interesting class of prisoners--prisoners of state. It will describe the inherent problems associated with creating a new bureaucracy, the administrative struggles which ensued, and the direction the two combatants followed. There were many similarities between the prison systems in the North and the South. Both systems caused much human suffering and death. Both sides of the conflict suspended the writ of habeas corpus early in the war and subsequently arrested their own citizens. In the North, the prison system developed more quickly because of the in-place government and the recognition of the need to centralize control of prisoners. In the South, the need to replicate the entire government infrastructure impeded the evolution of the prison system. The focus of this paper will be on the prison system, rather than on a detailed explanation of prison conditions and treatment of prisoners. However, some details of such conditions must be considered when explaining maladministrations of the prison system.

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INTRODUCTION AND GENERAL INFORMATION

The Civil War is a fruitful area for research of information on how the United States and the Confederate States identified, administered, incarcerated, adjudicated, governed, and supported the prisoners. The administration of prisoners during the American Civil War was a complex evolutionary process. Its roots began before actual hostilities and continued evolving to the very end of the conflict. Prison policies generated intense suffering and death. The resultant acrimony over the maladministration of the prison system lasted until well after the conflict had terminated. This paper deals specifically with the immensity of the problem, the evolution of the prison system to include a categorization of the types of prisons, and a short report on an interesting class of prisoners--prisoners of state. The focus of this paper will be on the prison system, rather than on a detailed explanation of prison conditions and treatment of prisoners. However, some details of such conditions must be considered when explaining maladministrations of the prison system.

I approached the research for this paper from the perspective of a modern Army officer. The importance of how our predecessors solved the complicated and acutely confusing problem of building a prison system for captured enemies can not be overstated. The problem-solving methodology used by both the North and the South have relevance for today's military. The successes and failures of the implemented prison systems can be applied to problems the military faces today in terms of

breaking old paradigms and steering new courses for the unexpected and unimagined problems of tomorrow.

This paper was prepared principally using documents found in the publication, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies , hereinafter referred to as the Official Records. As such, it represents original research gleaned from those documents.

On May 19, 1864, "the work of preparing the records of war for public use was begun under the resolution of Congress...by Adj. Gen. E. D. Townsend, U. S. Army, who caused copies to be made of the reports of battles on file in his office and steps to be taken to collect missing records."¹ Because of funding problems, substantive work did not begin until June 23, 1874 and the first volume was not issued until the early fall of 1880.² The volumes I referred to in my research were all compiled by Col. Robert N. Scott prior to his death on March 5, 1887.³

Prisoners of the Civil War were obviously of great concern to the combatants of that conflict. Eight volumes, over 9000 pages of documents, were published specifically on this topic in the Official Records. Also, numerous personal accounts of imprisonment were published in the years following the conflict. Additional official accounts were published as the conditions of the prisons and the treatment of the prisoners became known to the general public. Two of the more prominent accounts of the prisoner issue are The Treatment of Prisoners of War by the Rebel Authorities written by the Committee of Five of the House of Representatives (1868-1869) and The Confederate View of the Treatment of Prisoners written by

the Southern Historical Society (1876) as a rejoinder to the Congressional report.

The huge number of captured combatants during the Civil War is staggering in comparison even to the extremely large number of soldiers in each of the armies. The most accurate accounting of captured combatants indicates 476,169 Confederates were captured and 188,145 Union soldiers were captured.⁴ (Records kept by the US government were much more accurate than those kept by the CSA government for reasons detailed later in this paper). Further analysis indicates the following:

Union

7092 officers were captured.

179,091 enlisted soldiers were captured.

1962 civilians were captured.

188,145 total number captured.

Of the total numbered captured, 2696 escaped and 3170 Union soldiers enlisted into the Confederate Army. Additionally 94,000 Union soldiers were paroled prior to the end of hostilities.⁵

Confederate

35,782 officers were captured.*

426,852 enlisted soldiers were captured.*

13,535 civilians were captured.*

*These totals include soldiers from the surrendering armies of Lee, Johnston, Taylor, and Kirby Smith (April-May 1865).⁶

Of the total number captured, 2098 escaped and 5452 enlisted into the service of the Union forces. An additional 248,599 were released on parole. ⁷

The grand total number of confined prisoners were 94,145 Union soldiers and civilians, and 227,570 Confederates. ⁸

Life as a prisoner was tenuous at best. Disease and death were commonplace in prisons, both in the North and the South. In Southern prisons, 36,401 out of approximately 94,000 prisoners died (38%) and in Northern prisons, 26,774 out of 227,570 died (12%).

The tremendous numbers of prisoners caused administrative and logistics problems for both sides. Rampant disease and death in most prisons were the result of unpreparedness at the beginning of hostilities and the sheer weight of numbers of prisoners. Administrative malfeasance and criminal negligence contributed greatly to the problem. Compounding the difficulties for both forces was Grant's decision in the middle of the conflict to refuse further prisoner exchanges.

THE SITUATION PRIOR TO HOSTILITIES

Before the advent of hostilities, it appears that little thought was given to the idea of prisoners. Holland Thompson, in his treatise "Prisoners of War" (a chapter in the encyclopedia entitled Photographic History of the Civil War), postulated that "...a South which did not believe that there would be a war and therefore did not adequately provide for the contest, made not advance preparations for the care of prisoners. A North which believed that the South would be subjugated within ninety days, saw little

need of making provisions for captives."9 Immediately after Fort Sumter, a rapid series of events caused both the North and South to initiate policies to deal with the issues of prisoners.

The first mention in the Official Records of the US military involvement in prisoner affairs during the Civil War was on March 27, 1861. Colonel C. A . Waite, Commanding Department, Headquarters, Department of Texas, in correspondence to Washington, D. C., acknowledged the idea that his troops might become prisoners of war. He stated:

SIR: In the case the difficulty between the General Government and the seceding States should result in hostilities, there is reason to apprehend that an attempt may be made to prevent the embarkation of the troops and to detain them as prisoners of war....Not a line has been received at these headquarters from the Headquarters of the Army or from the War Department since I entered upon duty as the department commander, except unimportant matters, and I am inclined to believe, from the inspection of the envelopes, that they have been opened, and that all important communications have been withheld. 10

Indeed, on 23 April, 1861, Colonel Waite and his officers were seized and paroled.

On the Confederate side, prisoners were first mentioned on April 11, 1861. Colonel Earl Van Dorn, Army of the Confederacy, was ordered to assume command in Texas and take prisoner all remaining federal troops who were not loyal to the Confederate cause.¹¹

At the outbreak of hostilities, the United States Army regulation dealing with prisoners was sparse indeed. The following guidance was provided:

745. Prisoners of war will be disarmed and sent to the rear, and reported as soon as practicable to the headquarters. The return of the prisoners from the headquarters to the army to the War Department will specify the number, rank, and corps.

746. The private property of prisoners will be duly respected, and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each, without regard to rank, and the wounded are to be treated with the same care as the wounded of the army. Other allowances to them will depend on conventions with the enemy. ¹²

As can be seen by the above regulation, little thought had been given to military administration of prisoners and prisons. Examining the regulation more closely, one sees that no mention is made of the logistical ramifications of moving the prisoners to the rear. The entire idea of prisons- how they should be built, to what specifications- is left untouched. There was no suitable guidance on what a prison table of organization and allowances should authorize for personnel and equipment.

But gross inadequacy of guidance would haunt the South as well as the North because the South also was unprepared for prisoners and prison administration. Daniel Patrick Brown, in his book The Tragedy of Libby and Andersonville Prison Camps, describes the beginnings of Libby Prison. He postulates that the Rebel forces were caught off guard with the thousand prisoners they had captured after the First Battle of Manassas Junction. The field commanders had no idea what to do with these prisoners. Because there was a need to detain them, however, they moved them toward Richmond. There, buildings were appropriated as makeshift

prisons. Thus, it was more by accident than by design that the prisoners were housed in this way.¹³

Nevertheless, the South did in fact address the subject of prisoners of war in its regulations. As in the North, the coverage was both simple and shallow. The following is an extract from the Confederate Army regulations of 1861:

726. Prisoners of war will be disarmed and sent to the rear and reported as soon as practicable to the headquarters. The return of the prisoners from the headquarters to the army to the War Department will specify the number, rank, and corps.

727. The private property of prisoners will be duly respected and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each without regard to rank, and the wounded are to be treated with the same care as the wounded of the Army. Other allowances to them will depend on conventions with the enemy. *Prisoners' horses will be taken for the Army.*

728. *Exchanges of prisoners and release of officers on parole depend on the orders of the general commanding in chief under the instructions of Government.*¹⁴

With the exception of the portion in italics and some minor grammatical differences, the regulation is identical to that of the North. The italicized portion is significant and merits discussion. The mention of horses obtained from captured prisoners is an obvious consequence of the South's paucity of resources. Paragraph 728 indicates that some thought, early on, was given to the possibility of prisoner exchanges.

Southern apologists have blamed the suffering of prisoners in the South on the Union's refusal to exchange prisoners. It is true that the North did refuse to exchange prisoners. Two reasons are generally given

for this occurrence. First, early in the conflict it was generally thought that a prisoner exchange would be regarded as tacit recognition of the Confederacy as a sovereign nation. Second, the loss of manpower due to confinement impacted the South greater than the North.¹⁵ From the very beginning, as the cited regulation establishes, the South recognized the need to exchange prisoners.

It is interesting to note that subsequent to the first two major battles of the conflict, there were so many prisoners held by the South that the North was forced by internal political pressure to make special exchanges.

PRISON FACILITIES

There was a tremendous variety of prison encampments and facilities. Most were temporary structures or old unused buildings. Approximately one hundred and fifty prison facilities were used during the conflict. Only twenty to twenty-five of these facilities were considered to be of major importance.¹⁶ Richard F. Hammerlein, in his book Prisons and Prisoners of The Civil War, categorized or type-classified the prisons used during the war by both warring sides. He divided prisons into five classifications: *fortifications, enclosed barracks, old buildings, tent encampments, and stockades*.¹⁷ These classifications were not entirely original. In the House report Treatment of Prisoners of War, published in 1869, Rebel prisons were described along somewhat similar lines in two categories: buildings used as temporary imprisonment, and stockades and

enclosed camps.¹⁸ Hammerlein's categories cogently describe the various prisons and his examples of each type are presented below.

Fortifications were predominantly found in the North. Some of the more well-known fortifications which were used as prisons include Fort Warren in Boston Harbor, Fort Lafayette in New York Harbor, Fort McHenry in Baltimore, and Fort Delaware located on Pea Patch Island in the Delaware River. Castle Pickney in Charleston, South Carolina, was the sole fortification used as a prison in the South.¹⁹

These fortifications were not designed as prisons and as a result the prisoners complained of their treatment--justifiably. Most prisoners were kept in the casements without bedding, blankets or heat. Dampness and cold were pervasive. Sleep accommodations were rough pine-board bunks. When there was an overflow of prisoners, which was often the case, wooden barracks would be erected within the grounds of the fortification. Although less damp, they were flimsy, temporary structures that offered little protection against the elements.

Prisoners of state were generally confined in fortifications. This was particularly true of Fort Lafayette and Fort McHenry.

The *enclosed barracks* prisons were found only in the North. They "consisted of a group of wooden buildings set up on a large plot of ground, in some cases previously used, as at Camp Douglas and Camp Chase, as a recruiting camp or for a similar purpose."²⁰ High wooden board fences with guard platforms spaced along them precluded prison escapes. Geographically, enclosed barracks were found in such places as Chicago, Illinois; Columbus, Ohio; Indianapolis, Indiana; Rock Island, Illinois; and Elmira, New York.

Old buildings or warehouses were also used to house prisoners. Probably the most famous of these edifices was the Old Capitol Prison at Washington, District of Columbia. After the destruction of the Capitol building during the War of 1812, a temporary replacement was erected to house the Congress until the Capitol could be restored. This temporary structure was put to use at the very beginning of the secession. It housed state prisoners and prisoners of war and state until the war ended in 1865.

The most unlikely building to function as a prison was the old McDowell Medical College in St. Louis. "Its architecture was peculiar with an octagonal central building surmounted by an oddly-shaped dome and flanked by two wings."²¹ Originally it was thought to be able to accommodate approximately five hundred inmates, but during the war years it routinely had twice that number. The kind of prisoners held in the old building consisted principally of "federal deserters, bounty jumpers, transgressors of the laws of war, bushwhackers, spies, and disloyal citizens."²² The variety of prisoners seems to be somewhat of an anomaly among northern prisons.

In the South, *old buildings* were also utilized to house prisoners. Geographically, most were located in or near Richmond. Most of these structures were old warehouses or factories. The most important was the Castle Thunder at Petersburg, Virginia. It held mostly deserters, and disloyal citizens. The most notorious of these edifices was the Libby Prison, a warehouse owned by Libby & Sons, formerly used for the ship chandler business. Other old building prisons used by the South included those located in Danville, Lynchburg, Shreveport, and Cahaba, Alabama. Cahaba prison was, "an old, partially destroyed cotton-shed, large enough to hold

five hundred men [which] had over two thousand prisoners crowded into [it]..."²³

The fourth class of prisons were *tent encampments*. Two important prisons of this type were Point Lookout in the North and Belle Isle in the South. Point Lookout, located in Maryland, was one of the largest prison camps and grew to hold as many as twenty thousand prisoners. Overcrowding was not normally a problem because tents were plentiful in the North--not the case in the South where tents were at a premium. For example, Belle Isle was on a low plain, open to the elements. Consequently there was immense suffering there among the prisoners.²⁴

The last class of prison encampments were those without any shelter whatsoever. Such prisons were found only in the South and were open spaces without any structures except those erected by the prisoners. The best known of these prisons is Andersonville. Others, less known, but as important, were two others in Georgia: Camp Sumter and Camp Lawton at Millen. Still other camps were located at Savannah, Georgia; Columbia, Florence and Charleston, South Carolina; Salisbury, North Carolina; and Tyler and Hemstead, Texas.

Not all prisons fit neatly in the five categories. For example, the Federal Government used two dismantled schooner hulks as temporary prisons to hold prisoners before transferring them to Morris Island.²⁵ The U. S. Consulate in Tangier, Africa, was also a temporary prison when James De Long, the U. S. Consul, ordered the arrest of two Confederate merchants attempting to contract for coal.²⁶ In addition, old buildings such as warehouses were often used as transfer points.

EVOLUTION OF THE PRISON SYSTEM

The start of the Civil War found both governments and their military forces ill-prepared and ill-equipped to handle prisoners. From simple and confused beginnings, the processing of prisoners and the maintenance of prison facilities evolved into a complex undertaking that was still confused.

As the war progressed, however, the Union prison system became more orderly. The Office of the Commissary-General of Prisoners was instituted. It gave guidance and issued orders to the various prison camps and received reports from them. On October 23, 1861, by Special Order Number 284 from the War Department, Adjt. General's Office, Washington, Lieut. Col. William Hoffman, Eighth Infantry was detailed for duty as Commissary-General of Prisoners. Lieut. Col. Hoffman, by this order, was made subordinate to the Quartermaster-General.²⁷ The beginnings of his term in office already had its problems. There was no clear job description. The office was little-known or heeded.

On March 19, 1862, Lieut. Col. Hoffman wrote the following letter to General M. C. Meigs, then the Quartermaster-General of the U. S. Army:

General: I beg leave respectfully to inquire what officers are properly in authority over prisoners of war. Up to this time generals whose troops have captured prisoners have exercised control over them whenever they thought proper to do so. General Halleck has given orders in relation to the prisoners taken at Fort Donaldson, even when they were beyond the limits of his department. My office is not known to the generals and any information I have about the movements of prisoners I pick up from the newspapers or other chance sources. This system must lead to delays, confusion and expense, and I would respectfully

suggest that all places where prisoners are or may be confined should be under the charge of one person, who should keep the commanders in the field advised of the capacity of these places and who should have entire control of all prisoners received at them.²⁸

Gen Meigs forwarded this letter to the Adjutant-General with a reminder that the general order appointing Lieut. Col. Hoffman had been promulgated earlier and that some additional orders were needed. As the Office of the Commissary General of Prisoners solidified, Hoffman managed to standardize some of the administrative procedures for prisoners and the prison system.

On April 2, 1862, the prewar regulations on the subject of prisoners of war was amended by General Order Number 32.²⁹ From the modest two paragraph order published in 1861, field commanders now had an additional twelve paragraphs that required compliance. The most notable portions of this order included the following paragraphs

3. The general [commanding in the field or a department] will give no order exchanging prisoners or releasing them except under instructions from the Secretary of War.

5. In time of war a commissary-general of prisoners will be announced whose general duties will be those of an inspector.

6. A general depot for prisoners will be designated by the Secretary of War which shall be under the command of the commissary-general of prisoners, with a body of troops as a guard under his orders. The depot shall be the headquarters of the commissary-general to which communications can be sent.

10. The commissary-general of prisoners shall have the authority to call for such reports from officers in command of guards over the prisoners as may be necessary for the proper discharge of his own duties.

11. He[commissary-general] will make reports monthly or oftener if required to the Adjutant-General showing where and in what

number prisoners are held, and be in readiness at all times to answer specific questions as to persons.

12. The duties of the commissary-general of prisoners does not extend to prisoners of state.³⁰

The publication of this order almost a year after the commencement of hostilities formalized a process that had begun when the first prisoners were taken. It shows that Col. Hoffman's recommendations to Gen. Meigs had been implemented. The office of the Commissary-General of Prisoners had been established with some authority over prisoner matters. Reporting procedures had been initiated. Both internal reports within the prison system and external monthly reports to the Adjutant-General had been instituted.

The authority of field commanders was further limited by the regulation in that it forbade field generals from exchanging prisoners without the consent of the Secretary of War. The most significant modification to the regulatory concept of prisoners by this general order, however, was the establishment of "a general depot for prisoners".³¹ This depot, as articulated in other paragraphs of General Order Number 32, provided a locale to which generals commanding departments or in the field were able to dispose of prisoners in their charge. Proper documentation in terms of rolls, showing when and where soldiers were captured and other information was a requirement to be fulfilled by the commanding general. The order, then, required the Commissary-General of Prisoners to enter rolls of prisoners "in a proper book showing the name and designation of each prisoner, the time and place when and where taken".³² Special information was also to be added in a "column of remarks." Its purpose was not defined.

Any prisoner exchanges were also to be recorded along with the "name of the person for whom exchanged."³³ Along with the methodology and requirements for administrative procedures, the general order provided for the troops necessary to guard the prisons. In fact, this general order was the first document to be issued during the war that specified resources for military prisoner of war camps. Thus, the first formalized and regulatory delineation of a prison system was established. (A point of controversy was paragraph number twelve dealing with prisoners of state. This controversy will be amplified later in this paper).

On July 7, 1862, the Office of the Commissary-General of Prisoners issued the first formal regulations in the form of a circular detailing the administration of the prison system. The circular stated that each commanding officer of a prison station would be held accountable for the "discipline and good order of his command and for the security of the prisoners."³⁴ It ordered that prisoners would be divided into companies for personnel accountability, and it set up reporting requirements with time frames (suspenses) to receive and send changes to the status of personnel. Commanding officers "will cause written reports to be made to him of their [prisoner's] condition every morning showing the changes made during the preceding twenty-four hours giving the names of the 'joined,' 'transferred,' 'deaths,' &c. At the end of every month commanders will send to the commissary-general of prisoners a return of prisoners, giving names and details to explain alterations."³⁵

In sum, the administrative procedures set forth in the circular was an evolutionary process based upon earlier correspondence and the lessons learned from them. For instance, on April 28, 1862, Lieut. Col. Hoffman

wrote to the Commanding Officer at Camp Chase in Columbus, Ohio and stated:

SIR: I desire to be furnished with rolls of all prisoners of war who are now or have been in confinement at Camp Chase, and for this purpose I will send you in a few days printed blanks, which please fill up and forward to this office as early as practicable. Under the head of remarks show the alterations or transfer, deaths, &c.

You will also please furnish this office at the end of each month a return of the prisoners under your charge during the month on which will be noted any changes that have taken place.³⁶

Funding, which was always of concern for the prison system in the North, was clearly delineated in this circular. Specifically, "a general fund for the benefit of the prisoners will be made by withholding from their rations all that can be spared without inconvenience to them, and selling this surplus under existing regulations to the commissary, who will hold the funds in his hands and be accountable for them subject to the commanding officer's order to cover purchases."³⁷ As early as March of 1862, Lieut. Col. Hoffman had developed this plan for funding. In a letter to a Commanding Officer of a prison camp, Hoffman stated, "The regular ration is larger than is necessary for men living quietly in a camp, and by judiciously withholding some part of it to be sold to the commissary a fund may be created with which many articles needful to the prisoners may be purchased and thus save expense to the government."³⁸ By today's standards, this process seems not only abhorrent, but it would seem to lay the system open to fraud and abuse. However, this effort was an attempt

to tighten up the system already plagued by a lack of accountability and maladministration, if not downright fraud.

Col. James A. Mulligan's malfeasance is a case in point to illustrate the problems faced by the Commissary General because of maladministration of funds. Col Mulligan was the commanding officer at Camp Douglas prior to July 1, 1862. He was replaced by Col. Joseph H. Tucker, who reported to the Commissary-General of Prisoners that there were questions about the funds on Col. Mulligan's ledger. Col. Tucker indicated that there was a discrepancy in the prisoner fund and asked "are the balances which appear on Colonel Mulligan's ledger to be due prisoners claims on the United States and will they be made good in case Colonel Mulligan does not supply the deficiency reported?"³⁹ He closed his letter to Col. Hoffman stating, "I am much embarrassed by this matter and beg for your advice, if you can not instruct. I hear nothing from Colonel Mulligan, yet."⁴⁰ On July 19, 1862 the Assistant Secretary of War, C.P. Wolcott ordered the Adjutant-General to "instruct Colonel Mulligan to report" on this matter.⁴¹ Finally on July 28, the Assistant Adjutant-General wrote Maj. Gen. John Pope, commanding the Army of Virginia that "the Secretary of War directs that Colonel Mulligan...be placed in arrest and called to account for the charges made against him."⁴² Throughout the entire episode, Col. Hoffman recommended prosecution for the failure of Col. Mulligan to properly control funds in his charge. As late as November 26, 1862, Col. Hoffman was still involved with the prosecution of Col. Mulligan.

The Official Records are a chronicle of funding requests and denial of funds, followed by innovative ideas to procure funds (such as Col. Hoffman's concept).

The Alton Military Prison was a typical example of how each Union prison was administered. Capt I.B. Kinkead, Prison Adjutant, accurately described the administration and organization of his prison in a letter to Col. F.A. Dick, Provost-Marshall-General, dated December 8, 1862.

SIR: In answer to the note of your clerk of the 5th instant inquiring for prison regulations I have the honor to submit the following as our system of management: The business of the camp is done by the following officers under the direction of the commanding officer: 1 prison adjutant, 1 prison provost and 5 clerks and sergeants. The duty of the adjutant is to keep a correct record of all prisoners received, transferred, died, and make the monthly return; receive all money and valuables belonging to the prisoners. The adjutant is allowed three clerks; one who assists in keeping the records of the office, one who examines all mail matter passing to and from the prisoners and one who makes out the morning reports. The prison provost has charge of the prisoners, yard, cells, superintends the calling of the prisoner-roll, the policing and is directly responsible for the correctness of the morning ward reports. He draws the rations, receives all packages passing through to the prisoners, &c. He has two clerks, one who examines all packages received by the provost and has charge of the police force, and one who calls ward rolls and reports all changes to the adjutant. The prison provost draws and issues all clothing to the prisoners. There is connected with the prison a sutler who furnishes the prisoners with various articles, taking orders from the adjutant. We have the prisoners divided into wards, calling the roll twice a day, and all changes immediately reported. The hospital steward is required to report all changes daily.⁴³

Growing pains for the newly created office of Commissary-General of Prisoners did not soon end. The Official Records are replete with example after example of challenges to his authority. For instance, on November 27, 1862, Col. Hoffman wrote to the Secretary of War, Hon. E. M. Stanton:

SIR: I have the honor to refer to the Secretary of War for his consideration several orders from General Grant for the release of prisoners confined in the military prison at Alton, Ill., amounting to eighty-six. The prison is not within the command of General Grant and the orders which he has issued are in violation of the rules which have been established by your authority...⁴⁴

Col Hoffman was held in high esteem by the end of the war. He was promoted to brevet brigadier general and his reputation, from an historical perspective, remains unblemished. Mr. Holland Thompson said of him that, "All correspondence in regard to prisoners passed through his hands, and whatever uniformity there was in the conditions of the Federal prisons was largely due to this fact, as he established rules for the guidance of the commandants, and provided for an elaborate system of inspections and reports."⁴⁵ Whether by chance or design, with the exception of a couple of months the North had the same person in charge of the prison system from beginning to end. The stability was beneficial in establishing a prison system that functioned fairly well and minimized some of the problems that the North experienced.

The South went through similar, but more protracted, growing pains. With the birth of the Confederate States of America came a need to replicate all administrative responsibilities previously done by the United States of America. From the perspective of prisoners and the prison

system, as we have seen above, progress could hardly have been made before secession.

Soon after open hostilities, the Congress of the Confederate States of America approved "an act relative to prisoners of war."⁴⁶ On May 21, 1861, two months before the first battle of Manassas, the following was approved:

...That all prisoners of war taken whether on land or at sea during the pending hostilities with the United States shall be transferred by the captors from time to time and as often as convenient to the Department of War; and it shall be the duty of the Secretary of War with the approval of the President to issue such instructions to the Quartermaster-General and his subordinates as shall provide for the safe custody and sustenance of prisoners of war; and the rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the Army of the Confederacy...⁴⁷

By June 8, 1861, the War Department at the request of the President was canvassing Southern states to see if any had acceptable sites for prisons. Governor Ellis was asked "whether the state of North Carolina could not furnish a suitable place for the safe keeping of our prisoners of war."⁴⁸

Two weeks later Special Order Number 78 was published indicating the appointment of Brig. Gen. John H. Winder, Provisional Army, to duty as inspector-general of the several camps near Richmond. This appointment was the first attempt to provide some consistency in prisoner affairs by the military. It was doomed to failure, however, because of the limits placed upon Gen. Winder's authority. Prior to July 26, 1864, Gen. Winder had command of prisoners in Richmond and "had an undefined supervision

over those outside [the Richmond area]."⁴⁹ Special Orders Number 175, dated July 26, 1864 stated the following:

XLVIII. Brig. Gen. John H. Winder, Provisional Army, C. S., is assigned to the command of the military prisons in the states of Georgia and Alabama, and Brig. Gen. W. M. Gardner, Provisional Army, C. S. to the command of the military prisons in the other States east of the Mississippi River. In reference to all matters relating to prisons and prisoners they will communicate directly with and receive orders from the Adjutant and Inspector General.

By command of the Secretary of War:

Saml. W. Melton

Assistant Adjutant - General⁵⁰

By 1 July, 1861, Special Order 85 appointed three additional officer to assist Brig. Gen. Winder.⁵¹ These additional personnel were sorely needed; soon Gen. Winder asked for more. By the end of the month, Gen. Winder was requesting additional personnel from the Adjutant and Inspector General. The following letter, dated July 29, 1861, illustrates his problems,

SIR: The duties of my position are very heavy both indoors and out, and they are rendered still more so by the frequent changes made in the officers detailed to assist me. There have been already six officers detailed for duty with me (not including those at the prison). Of the six only one remains. These officers do not remain long enough to acquire knowledge of the details to assist me much. When it is remembered that I am charged with the inspection and control of the various camps around the city, with discharges involving all the necessary papers, with equipping the troops for the field, with the charge of all prisoners of war and other prisoners, including the reception and distributing of their wounded,...it will be seen from this how necessary it is that my assistants should be permanent. I would respectfully ask that as the communication between myself and those who assist me is so intimate I may be permitted to select

two or three young, active men at such compensation as the Secretary of War may designate. The writings connected with the prisoners of war is enough to occupy one person. This arrangement would have two good results - First, it would relieve officers of the Army for other duties, and would enable me to give my attention to duties which I now find difficult to do.⁵²

The Adjutant and Inspector General endorsed this request to the Secretary of War, recommending that Gen. Winder be permitted to hire two or three civilians to assist him. Salary determination was to be left to the discretion of the Secretary of War.

Confusion as to the treatment of prisoners was widespread.

Governor Clark of North Carolina wrote the Secretary of War, L. P. Walker, on the 29th of July stating:

I beg leave most respectfully to inquire in what manner I shall treat prisoners of war sent here by Lieutenant Todd a week since. They were sent here without any previous notice. I had no quarters for them and no instructions from you how I should treat them. Rather than embarrass you I received them from Lieutenant Todd and have had them shut up in a house ever since with a full company of our volunteers guarding. The officers on their parole are walking about the streets.... They are guarded in a house by a company of volunteers greatly to their annoyance. They have been furnished with food and with clothing.

They were sent here without notice or preparation, but I received them rather than return them, and I have received no instructions as to how or in what manner they should be treated. I am not familiar with the mode of treating prisoners, but have ordered them food and clothing without and instructions to do so from the Confederate States or legal authority from my own State.

They are odious to our people and the guarding of them is regarded as degrading among our volunteers.... Under these circumstances I would most respectfully ask not to be encumbered with more, and suggest that perhaps some State further south might better do it, but make some provision for those already sent.⁵³

This letter provides several key insights into the problems of the prison system in the Confederacy. First, the letter by Governor Clark was addressed to, and answered by, the Secretary of War. Unlike their Northern counterparts, this authority was kept strictly in civilian hands. In fact, unlike the Official Records of the North, which are replete with major pieces of correspondence by Col. Hoffman, Gen. Winders name appears rather infrequently in the Official Records of the South - and then on innocuous papers and letters. Based on these differences, it is reasonable to conclude that Col. Hoffman was a policy maker and Gen. Winder was a person who executed policy created by others. Second, both the tone and content of the letter indicate that there was no provision for prior planning. As with the first prisoners taken at Manassas, it appears to be chance, rather than a grand scheme, which caused the prisoners to become the charge of the Governor of North Carolina. Confusion as to what should be done with the prisoners is evidenced by the officers being on parole while others were imprisoned in a house. Third, guard duty was not considered to be good duty for soldiers. Rather it was considered "odious." Fourth, funding and reimbursements for clothing and food were not previously articulated.

Each of these problems was to plague the South throughout the conflict. The prison system started off on the wrong foot and never righted itself!

By August 5, 1861, the first attempt by the central military authority to provide some resources to Gen. Winder to assist in the guarding of the prisoners occurred. Special Order Number 242 from the

Headquarters of the Forces, Richmond, Virginia stated, " The Madison Infantry and Ouachita Blues, from Louisiana, are constituted a guard for the prisoners of war in this city, and the captains will report with their companies immediately to Brigadier-General Winder."⁵⁴ This directive was immediately followed by Special Order Number 248 on August 12, assigning the Tiger Bayou Rifles, Louisiana volunteers, as a guard to the prison.⁵⁵ Special Orders Number 251 and 255 (15 and 19 August, respectively) required Col. Charles Dimmock to detail five (one and four, respectively) companies as guards under the command of Gen. Winder.⁵⁶ Additional special orders throughout the Official Records show that from time to time Gen. Winder received soldiers to act as prisoner guards.

Administrative and bureaucratic sniping began almost immediately after Gen. Winder took charge of the prisoners of war. On 1 August, 1861, S. P. Moore, Acting Surgeon-General, inspected the buildings occupied by northern prisoners at Richmond and filed a report to Secretary of War L. Pope Walker. He stated, "The police of these buildings is very bad, especially the lower one. The yard of the upper building requires much policing. From the crowded state of these buildings it is feared that a pestilence may make its appearance..."⁵⁷ Gen. Winder's response to this report was somewhat defensive in nature. He indicated that the Surgeon-General had appropriated one of three building the day of the inspection and that the overcrowding and state of police were all the result of the Surgeon-General. He further indicated that, "the complaint of the Surgeon-General was to say the least premature"⁵⁸ Both the nature and tone of this response is an important clue to future outcomes of Southern prisons. His

answer was in stark contrast to the professionalism of his Northern counterpart. Clifford Dowdy, a noted historian, described Gen. Winder as

a stout, gray-haired apoplectic Marylander who had come to Richmond to volunteer his services, a role in which he combined the more belligerent traits of the M. P. with the sterner qualities of the martinet to make himself the most unloved official on either side.⁵⁹

Many other historians paint General Winder in an even bleaker light. Arch Fredric Blakely, in his recent book, General John H. Winder C. S. A., takes a different view. While he acknowledges that Winder was, in fact, a martinet and probably did not have the best of dispositions, he feels that history has been unfair and more importantly inaccurate in its portrayal of him. Several facts need to be articulated to understand General Winder. He was a professional soldier, a West Point graduate. He did not live in obscurity during the Civil War; on the contrary he was well-known. In fact, by 1863, his name was well known both in the Confederacy and in the Union.⁶⁰ Blakely stated, "In the Acrimonious decade following the conflict, Winder was repeatedly vilified by northern historians, politicians, and newspapers."⁶¹ According to Blakely, Ovid Futch in his book, History of Andersonville Prison, probably was accurate when he stated, "Winder's true character was probably a puzzle to his contemporaries and remains an enigma to historians."⁶²

As with Col. Hoffman, Gen. Winder found funding to be a major problem in the administration of the prison system. On August 23, he wrote to General Cooper, the Adjutant and Inspector General complaining

that the Subsistence Department refused to pay a bill for services rendered the prisoners of war. He wrote,

SIR: I respectfully beg to leave to again call your attention to the report of the Subsistence Department declining to pay the bills connected with the prisoners... This bill has been indorsed by yourself, 'allowed, and to be paid. By order of the Secretary of War.' The bill for the board of the prisoners in the county jail has been refused by the same department. It is very annoying and mortifying to have these bills returned in this way, and if continued the business of the prisons cannot be carried on.⁶³

The Secretary of War received this letter and sent the following endorsement to the Commissary-General:

It is the duty of the Government to subsist the prisoners, and as there is no doubt some honest misapprehension between General Winder and some of your subordinates I hope you will make inquiry and thus prevent a recurrence of like delays.⁶⁴

This letter appears to have defined the responsibility for subsistence of prisoners because Col. L. B. Northrop, the Commissary-General of Subsistence, in an extremely defensive response, indicated to the Secretary of War, "I have been subsisting prisoners and prefer continuing to do so because I do not want any competition in the purchase of supplies. I expect the cost will be reimbursed to this department by the Quartermaster's department... If General Winder will refer to the law he will find the place to which these bills should be presented."⁶⁵ The problem would not soon go away, however. Structurally, the law provided that the Quartermaster-General be responsible for prisoners of war. This meant that the Commissary-General had no legal status, responsibility, or authority for prisoner affairs. The Acting Quartermaster-General's letter to

the Secretary of War, dated December 5, 1861, is the best example of the problems caused by the law,

SIR; I beg to submit for your consideration that the obligation imposed upon this department to provide for the sustenance of prisoners of war is embarrassing in its practical operations and process in some incidents a direct conflict with the Commissary Department to which that duty would seem to more properly belong. An example is presented in the fact that this department in providing supplies for prisoners does not draw from the commissary stores but is compelled to purchase them in the market and thus is brought into competition with the Commissary Department. I submit that the duty of providing the sustenance of prisoners is more germane to that department and could be more conveniently and legitimately performed by it, the necessary alteration in the law should be recommended to Congress to authorize the transfer of this duty to the Commissary Department. (Act of Congress, No. 181)⁶⁶

By 1862, the administrative and political infighting had not subsided. Major-General Braxton Bragg's letter to the Secretary of War, dated February 12, 1862, provides some insight into the problem. He wrote:

...I inclose a copy of my instructions and the reply of the commanding officer of the guard at Tuscaloosa made at that time. He considers himself and command, as well as the prisoners, independent of my authority, as they were ordered there by General Winder and were not reported to me. But I will assume such jurisdiction as may be necessary...⁶⁷

Even the Department of the Treasury dabbled in the affair of prisoners and prisons. In the Treasury report to the Secretary of War, dated March 21, 1862, auditor W. H. S. Taylor strongly suggests that the Secretary of War standardize the amount of money spent for boarding and lodging of prisoners. He went on to indicate that payment of more than 22

cents per day per prisoners "has been arrested by the Secretary of the Treasury on the ground that under the law the rations furnished prisoners of war shall be the same in quantity and quality as those furnished men enlisted in the army..."⁶⁸

Daniel Patrick Brown states that, "unlike the North, which had organized a prison system with the opening guns and appointed a commissary-general shortly thereafter, the South did not develop such a system until almost the end of 1864..."⁶⁹ The bureaucracy necessary to handle prisoner affairs was impeded from being put in place promptly. The political in-fighting retarded the development of a coherent and comprehensive plan. Additionally, the decisions to decentralize the prison system would plague the South to the very end of the conflict. The Confederacy did not create the office of the Commissary-General of Prisons until Gen. Winder was appointed on November 21, 1864. Following his death in February, 1865, Gen. Winder was succeeded by General G. P. Pillow who was almost immediately replaced by General Daniel Ruggles. By comparison, Col. Hoffman was continuously in charge of prison affairs in the North. He met each challenge to his authority head-on, enabling him to create a more stable administration and develop and execute a more comprehensive plan.

PRISONERS OF STATE

Both belligerents during the Civil War arrested and confined civilians. This practice was formalized at the beginning of hostilities and lasted the duration of the war. On April 27, 1861 President Lincoln first

authorized Lieutenant General Winfield Scott to suspend the writ of habeas corpus between Washington and Philadelphia. On October 14, 1862 the President further extended the suspension of habeas corpus to include the military line between Washington and Bangor.⁷⁰ On February 14, 1862 Lincoln issued Executive Order Number 1 transferring extraordinary arrest authority from the Department of State to the Department of War.⁷¹ Arresting civilians became so commonplace that regulations and special orders were provided to city marshals by the army to put procedures in place to cope with the problem. One of many examples is Special Order Number 53 from Headquarters Eighth Army Corps, Baltimore, Maryland, dated August 4, 1862. It stated that, "Whenever any person is arrested by the city marshal for disloyalty or for treasonable practices he will immediately report the name of such persons to these headquarters, together with the cause of arrest. Without such report and a copy furnished in writing to Bvt. Brig. Gen. W. W. Morris, commanding the defense of Baltimore, he will receive no prisoners presented for confinement in Fort McHenry."⁷²

Two significant assumptions leap out of this seemingly innocuous order. First, it appears that civilian authorities (city marshals) were de facto, and perhaps de jure, under the control of the military. In a democracy, this is a very dangerous concept. Second, there must have been arrests and imprisonments without any administrative data being furnished to Fort McHenry. In other words, there were prisoners of state at Fort McHenry for whom prison officials did not know the reason for their incarceration. There were so many arrests, detainments and imprisonments of civilians in both the North and the South, that an entire

volume in the Official Records was entitled "Suspected and Disloyal Persons."

By the beginning of 1862, there was much correspondence dealing with prisoners of state. For example, Governor David Tod of Ohio wrote to Secretary of State William H. Seward, stating "I find myself embarrassed for want of knowledge and specific instructions as to the duties expected of me in relation to the political prisoners sent to Camp Chase in this state..."⁷³

As stated earlier, General Order Number 32, dated 2 April, 1862, specifically indicated that the duties of the Commissary-General of Prisoners did not extend to prisoners of state. This led to some confusion and controversy because most prisoners of state were housed in the same facilities as prisoners of war.

Special Order Number 123, Headquarters, District of West Tennessee, Memphis, Tenn., dated June 29, 1862, indicates the problems with arresting civilians.

...IV. Arrest being frequently made on representation of citizens who afterwards decline to appear to give evidence or to furnish names of witnesses to substantiate the charges, it is directed that hereafter in all such cases the prisoner be released and the party causing the arrest be confined or banished from the city. The circulation of unfounded rumors through the city...will hereafter be prohibited. The provost-marshal will in such cases arrest the parties guilty of violating this order and place them outside our lines with directions to treat them as spies if ever taken within them afterwards.

By order of Maj. Gen. U. S. Grant...⁷⁴

Two glaring facts are clearly evident. First, once arrests were made, the military was having problems compelling witnesses to testify. By this special order, an accuser would be incarcerated if he did not bear

witness after his initial accusation. In such cases, the party first arrested would be set free in those instances where witnesses refused to testify. Second, a new form of punishment other than imprisonment after arrest was stipulated. This order indicated that removal from Union lines was the proper disposition for rumor mongers after initial arrest.

The situation was that the military was arresting political prisoners, but by General Order Number 32, the commissary-general of prisoners was not responsible for the prisoners of state and had no authority over them.

In the South, President Davis also was compelled to suspend the writ of habeas corpus. On February 27, 1862, he suspended the writ in Norfolk and vicinity. This was followed on March 13, 1862, by the suspension in New Orleans and other parts of Louisiana, followed in East Tennessee on April 8, 1862, and portions of West Virginia on May 3, 1862.⁷⁵ Although the first suspension in the South occurred in 1862, the first civilians captured in battle actually occurred at the First Battle of Manassas on July 21, 1861. In addition to the combatants, one Northern Congressman spectator was taken prisoner.⁷⁶

The same fundamental problems found in the North existed in the South, as well. The governments found it necessary to incarcerate its citizens without regard for their individual rights.

CONCLUSION

The American Civil War produced prison systems in both the North and the South. The evolutionary growth of each system was not without growing pains which resulted from poor administration, undefined responsibilities, and challenges to authority. The policies and procedures to deal with prisoners were executed unevenly, particularly in the South. North and South prisons surprisingly mirrored each other and both sides of the conflict produced similar policies for administration. The need to arrest civilians was another similarity between the North and the South. The suspension of the writ of habeas corpus by both sides was an impingement of individual civil rights and truncated the democratic process - a very dangerous precedent. In the North, the system evolved more rapidly because of the in-place bureaucracy and the quick recognition of the need to centralize control of prisoner affairs. In the South, the need to replicate the entire government infrastructure impeded the ability to properly administer a prison system.

The study of the prison systems of the Civil War is relevant to the military today. The tens of thousands of prisoners captured during the Gulf conflict could have produced similar problems had the war continued for a significant amount of time. As with the Civil War belligerents, during Desert Storm our military structure and doctrine was ill-equipped to deal with handling the huge captured forces. Fortunately the war ended before the problems became too acute.

The magnitude and weight of the problems faced by the administrators and leadership of both sides were unimagined prior to the Civil War. The innovation used to cope with these problems produced

both successes and failures. Both prison systems caused immense suffering and death. There is a compelling need for further study and research in this area and there are many more lessons to be learned as a more complete chronicle of events are articulated.

ENDNOTES

¹United States War Department. The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (Washington: Government Printing Office, 1898), Series II, Volume 1, page iii. (Hereinafter referred to as Official Records).

²Ibid. , page iv.

³Ibid. , page v.

⁴Richard F. Hemmerlein. Prisons and Prisoners of the Civil War (Boston: Christopher, 1934), 14.

⁵Ibid. , 15.

⁶Ibid.

⁷Ibid.

⁸Ibid.

⁹Holland Thompson, Ph. D. , The Photographic History of The Civil War (New York: Review of Reviews Co. ,1911), vol. 7, Prisons and Hospitals, 24.

¹⁰Official Records, 1:15.

¹¹Ibid. , 1.

¹²U.S. Congress. House. Report on the Treatment of Prisoners of War by the Rebel Authorities During the War of the Rebellion (Washington: Government Printing Office, 1869), 24. (hereinafter referred to as House Report).

¹³Daniel Patrick Brown, The Tragedy of Libby and Andersonville Prison Camps (Venture, CA:Golden West Historical Publications, 1980), 8.

¹⁴Official Records, 3: 691.

¹⁵Brown, 12.

¹⁶Hammerlein, 25.

¹⁷*Ibid.* , 25-30 passim.

¹⁸House Report, 27.

¹⁹Hammerlein, 25.

²⁰*Ibid.* , 26-27.

²¹*Ibid.* , 27.

²²*Ibid.*

²³*Ibid.* , 28.

²⁴*Ibid.* , 29.

²⁵*Ibid.* , 31.

²⁶Official Records, 3: 330.

²⁷*Ibid.* , 3:121.

²⁸Official Records, 3:389-390.

²⁹*Ibid.* , 3:417-418.

³⁰*Ibid.*

³¹Ibid.

³²Ibid.

³³Ibid.

³⁴Ibid. , 4:152.

³⁵Ibid.

³⁶Ibid. , 3: 502.

³⁷Ibid. , 4: 152.

³⁸Ibid. ,3: 361.

³⁹Ibid. , 4: 167.

⁴⁰Ibid.

⁴¹Ibid. , 4: 180.

⁴²Ibid. , 4: 301.

⁴³Ibid. , 5: 53.

⁴⁴Ibid. , 4: 761.

⁴⁵Thompson, 40.

⁴⁶Official Records, 3: 680-681.

⁴⁷Ibid.

⁴⁸Ibid. , 3: 681.

⁴⁹Thompson, 40.

⁵⁰Official Records, 7: 501-502.

⁵¹Ibid. , 3: 687.

⁵²Ibid. , 3: 694.

⁵³Ibid. , 3: 696.

⁵⁴Ibid. , 3: 700.

⁵⁵Ibid. , 3: 703.

⁵⁶Ibid. , 3: 704-705.

⁵⁷Ibid. , 3: 698.

⁵⁸Ibid. , 3: 701.

⁵⁹Clifford Dowdey, Experiment in Rebellion (New York: Doubleday and Company, 1947): 89, quoted in Daniel Patrick Brown, The Tragedy of Libby and Andersonville Prison Camps (Ventura, CA: Golden West Historical Publications, 1980), 46.

⁶⁰Arch Fredric Blakely, General John H. Winder C. S. A. (Gainesville: University of Florida Press, 1990), xi.

⁶¹Ibid. , xii.

⁶²Ovid L. Futch, History of Andersonville Prison (Gainesville: University of Florida Press, 1968): 119, quoted in Arch Fredric Blakey, General John H. Winder C. S. A. (Gainesville: University of Florida Press, 1990), xiii.

⁶³Official Records, 3: 710.

⁶⁴Ibid. , 3: 711.

⁶⁵Ibid.

⁶⁶Ibid. , 3: 749-750.

⁶⁷Ibid. , 3: 795.

⁶⁸Ibid. , 3: 829.

⁶⁹Brown, 46-47.

⁷⁰Official Records, 2: 2.

⁷¹Ibid. , 2: 221-223.

⁷²Ibid. , 4: 336.

⁷³Ibid. , 3: 219.

⁷⁴Ibid. , 4: 102.

⁷⁵Ibid. , 2: 2.

⁷⁶Brown, 8.

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